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JUN 17 2005

Department of Water Resources

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Attorneys for Idaho Ground Water Appropriators, Inc.

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF DISTRIBUTION OF
WATER TO WATER RIGHT NOS.
36-02356A, 36-07210 AND 36-07427

**IGWA'S FIRST SUPPLEMENTAL
RESPONSE TO DIRECTOR'S JUNE 7,
2005 ORDER REGARDING
REPLACEMENT WATER PLAN
(BLUE LAKES DELIVERY CALL)**

Idaho Ground Water Appropriators, Inc. ("IGWA"), through its counsel Givens Pursley LLP and on behalf of its ground water district members, Magic Valley Ground Water District ("MVGWD") and North Snake Ground Water District ("NSGWD") (collectively the "Ground Water Districts"), hereby supplements its June 14, 2005 Response ("Response") to Director's June 7, 2005 Order Regarding IGWA's Replacement Water Plan ("June 7th Order") in this matter.


This First Supplemental Response ("Supplemental Response") provides data files on compact disk prepared by IGWA's consultant Hydrosphere, Inc. documenting the ESPA modeling analysis of steady-state reach gains in the Devils Washbowl subreach of the Thousand Springs Reach of the Snake River resulting from specific identified actions to be implemented by

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the NSGWD and MVGWD in 2005 under their Replacement Water Plan. This Supplemental Response also includes copies of Commitments to Curtail Pumping ("Commitments") that have been obtained to date by NSGWD with respect to 963.6 acres of the 1,987 Curtailment Acres proposed by NSGWD as of June 14, 2005 for voluntary curtailment in 2005. NSGWD is awaiting the return by participating landowners of signed Commitments for the balance of the Curtailment Acres identified as of June 14, 2005 and these, together with any additional Commitments for additional Curtailment Acres to be implemented in 2005 will be forwarded to the Department as they are received.

DATED this 17th day of June 2005.

GIVENS PURSLEY LLP

By: 
Michael C. Creamer
Attorneys for Idaho Ground Water Appropriators, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June 2005, I served a true and correct copy of the foregoing by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

Mr. Karl J. Dreher	<input type="checkbox"/>	U.S. Mail
Director	<input type="checkbox"/>	Facsimile
Idaho Department of Water Resources	<input type="checkbox"/>	Overnight Mail
322 East Front Street	<input checked="" type="checkbox"/>	Hand Delivery
P.O. Box 83720	<input type="checkbox"/>	E-mail
Boise, ID 83720-0098		

Gregory Kaslo	<input checked="" type="checkbox"/>	U.S. Mail
Blue Lakes Trout Farm	<input type="checkbox"/>	Facsimile
P.O. Box 1237	<input type="checkbox"/>	Overnight Mail
Twin Falls, ID 83303-1237	<input type="checkbox"/>	Hand Delivery
	<input type="checkbox"/>	E-mail

Daniel V. Steenson, Esq.	<input checked="" type="checkbox"/>	U.S. Mail
Ringert Clark, Chartered	<input type="checkbox"/>	Facsimile
455 S. Third Street	<input type="checkbox"/>	Overnight Mail
P.O. Box 2773	<input type="checkbox"/>	Hand Delivery
Boise, ID 83701-2773	<input type="checkbox"/>	E-mail

Roger D. Ling, Esq.	<input checked="" type="checkbox"/>	U.S. Mail
Ling, Robinson & Walker	<input type="checkbox"/>	Facsimile
615 H St.	<input type="checkbox"/>	Overnight Mail
P.O. Box 396	<input type="checkbox"/>	Hand Delivery
Rupert, ID 83350-0396	<input type="checkbox"/>	E-mail

James C. Tucker, Esq.	<input checked="" type="checkbox"/>	U.S. Mail
Idaho Power Company	<input type="checkbox"/>	Facsimile
1221 West Idaho P.O. Box 70	<input type="checkbox"/>	Overnight Mail
Boise, ID 83707	<input type="checkbox"/>	Hand Delivery
	<input type="checkbox"/>	E-mail

James S. Lochhead, Esq.	<input checked="" type="checkbox"/>	U.S. Mail
Adam T. Devoe, Esq.	<input type="checkbox"/>	Facsimile
Brownstein Hyatt & Farber, P.C.	<input type="checkbox"/>	Overnight Mail
410 17th Street	<input type="checkbox"/>	Hand Delivery
Twenty-Second Floor	<input type="checkbox"/>	E-mail
Denver, CO 80202		

Cindy Yenter
Watermaster – Water District 130
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery
☐ E-mail

Frank Erwin
Watermaster – Water District 36
2628 South 975 East
Hagerman, ID 83332

☒ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☐ Hand Delivery
☐ E-mail



Michael C. Creamer

**Description of Supplemental Analysis
in Response to Director's Order of June 7th
Regarding IGWA's Replacement Water Plan for Blue Lakes
June 17, 2005**

Water Rights Analysis

Ground water rights researched and identified from the IDWR water rights database are contained in the workbook *IGWA Replacement Plan Water Rights Analysis.xls* in the *WaterRightsAnalysis* directory. The sheets in this workbook summarize the following: 1) whether the rights addressed the same point of diversion as the originally submitted right, 2) the additional acreage permitted to be served by the rights, and 3) whether the rights were supplemental to surface water supplies from the North Side Canal Company. Description of the different sheets contained in this workbook is provided in the sheet *Analysis Description* of this workbook. The analysis concluded that a total of 6,896 acres of ground water irrigated land would satisfy the criteria contained in the Director's Order of June 7, 2005, regarding IGWA's Replacement Water Plan.

Analyses Using the Steady State Conversion Tool

The Steady State Conversion Tool was used to determine the steady state DWB-BUL reach gain occurring from conversions in the NSGWD. The conversions analysis assumed a total water supply of 22,917 acre-feet. This is equal to the 2004 water supply for conversions reduced by a factor of 0.736 to reflect a total of 6,896 acres of conversions rather than 9,369 acres as originally claimed in IGWA's May 27, 2005 Replacement Water Plan. The entire water supply of 22,917 acre-feet was input to the Steady State Conversion Tool workbook, consistent with the treatment of conversions in the IWRRI Conversions Scenario (IWRRI Technical Report 05-003c, 2005).

The workbook containing this analysis is *ReplacementSupply_SS_Summary1_NSGWD_73.6Percent.xls* and can be found in the *AtSiteConversions* directory on the attached CD. The workbook contains the input data used to calculate the reach gains. Other than entering the water supply input data, no changes were made to the workbook versions obtained from IWRRI.

Analyses Using the Steady State ESPA Model

Curtailments

Curtailments of ground water pumping on 1,538 acres in the NSGWD and 6,755 acres in the MVGWD will occur in 2005. Curtailment in the Districts will continue as a CREP program becomes fully operational by 2008. Benefits from

curtailment were scaled linearly from results of simulating complete (i.e., 100%) curtailment of pumping in each of those districts. Benefits from other levels of curtailment can be similarly scaled. The 100% curtailment analysis used the cell stress file created by IWRRI for its analysis of curtailment of post-1870 ground water rights. This file was modified to reflect pumping only in the irrigation season, and then screened using GIS to exclude stresses outside the two districts' boundaries. It was then input to the model to determine effects of curtailment in just those districts. This procedure implies that the curtailment is uniformly distributed across the districts.

Curtailment specific model files can be found in *Curtailments* directory on the attached CD. The name file in this directory contains a generic well file, named run.WEL, which needs to be substituted with an appropriate well file (see file README.txt in this directory for details).

All MODFLOW simulations were carried out using MODFLOW-2000 (U.S. GEOLOGICAL SURVEY MODULAR FINITE-DIFFERENCE GROUND-WATER FLOW MODEL) Version 1.10 07/26/2002. The executable code (*MF2K1.EXE*) is in directory *MODFLOWExecutable*.

Supporting GIS Files

Files used or created as part of the GIS analysis supporting the calculation of reach gain benefits are in directory *GISSupportFiles* on the enclosed CD. A description of these files is given below.

ArcView Shape Files (Map Projection IDTM NAD 27, see .prj files for specs):

Magic Valley and North Snake Irrigation District Boundaries

NorthSnakeAndMagicValleyIDs_region.*

Irrigated Model Cells Intersected by Irrigation District Boundaries

MVIrrigationCells_region.*

NSIrrigationCells_region.*

Excel Files:

Tables of the Cell Stress values before and after modification to account for only the irrigated lands within the district being modeled.

PumpingCalculationsByDistrict.xls

COMMITMENT TO CURTAIL PUMPING WATER DISTRICT 130

2005 Irrigation Season

1. Scott Hanz, Esq. Box 400 hereby certify and attest as follows:

1. I am the owner (or authorized agent having control) of the ground water-irrigated land in Water District 130 described below (the "Irrigated Parcel").

2. In response to recent orders issued by the Director, Idaho Department of Water Resources ("Director"), and with the intent to participate in the [circle one] North Snake/Magic Valley Ground Water District's mitigation or water replacement plan, **I am voluntarily curtailing all ground water pumping to serve the Irrigated Parcel during the 2005 irrigation season.** I will cooperate with the watermaster for Water District 130 to provide any necessary assurance that the Irrigated Parcel will not be irrigated with ground water in 2005.

3. The Irrigated Parcel was irrigated in 2004, or was not irrigated in 2004 due to voluntary curtailment in conformance with the interim mitigation or water replacement arrangements embodied in the March 15, 2004 Interim Agreement between the State of Idaho, ground water districts, and certain spring users.

4. Pursuant to this Commitment to Curtail Pumping, **the Irrigated Parcel will not be irrigated with ground water during the 2005 irrigation season.** If a crop can be produced on the Irrigated Parcel without the aid of irrigation, I reserve the right to cultivate and raise such a crop in 2005.

5. The Irrigated Parcel is more particularly described as follows:

Twp	Rge	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres not irrigated with ground water in 2005 97.5

6. The ground water right(s) used to irrigate the Irrigated Parcel is/are as follows:

Scott Hanz

Print name

[Signature]

Signature

COMMITMENT TO CURTAIL PUMPING WATER DISTRICT 130

2005 Irrigation Season

1. Jess (Dick) Elliot, hereby certify and attest as follows:

1. I am the owner (or authorized agent having control) of the ground water-irrigated land in Water District 130 described below (the "Irrigated Parcel").

2. In response to recent orders issued by the Director, Idaho Department of Water Resources ("Director"), and with the intent to participate in the [circle one] North Snake/Magic Valley Ground Water District's mitigation or water replacement plan, **I am voluntarily curtailing all ground water pumping to serve the Irrigated Parcel during the 2005 irrigation season.** I will cooperate with the watermaster for Water District 130 to provide any necessary assurance that the Irrigated Parcel will not be irrigated with ground water in 2005.

3. The Irrigated Parcel was irrigated in 2004, or was not irrigated in 2004 due to voluntary curtailment in conformance with the interim mitigation or water replacement arrangements embodied in the March 15, 2004 Interim Agreement between the State of Idaho, ground water districts, and certain spring users.

4. Pursuant to this Commitment to Curtail Pumping, **the Irrigated Parcel will not be irrigated with ground water during the 2005 irrigation season.** If a crop can be produced on the Irrigated Parcel without the aid of irrigation, I reserve the right to cultivate and raise such a crop in 2005.

5. The Irrigated Parcel is more particularly described as follows:

Twp	Rge	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres not irrigated with ground water in 2005 215

6. The ground water right(s) used to irrigate the Irrigated Parcel is/are as follows:

Jess D. Elliot
Print name

Jess D. Elliot
Signature

COMMITMENT TO CURTAIL PUMPING WATER DISTRICT 130

2005 Irrigation Season

I, Hirai, hereby certify and attest as follows:

1. I am the owner (or authorized agent having control) of the ground water-irrigated land in Water District 130 described below (the "Irrigated Parcel").

2. In response to recent orders issued by the Director, Idaho Department of Water Resources ("Director"), and with the intent to participate in the [circle one] North Snake/Magic Valley Ground Water District's mitigation or water replacement plan, **I am voluntarily curtailing all ground water pumping to serve the Irrigated Parcel during the 2005 irrigation season.** I will cooperate with the watermaster for Water District 130 to provide any necessary assurance that the Irrigated Parcel will not be irrigated with ground water in 2005.

3. The Irrigated Parcel was irrigated in 2004, or was not irrigated in 2004 due to voluntary curtailment in conformance with the interim mitigation or water replacement arrangements embodied in the March 15, 2004 Interim Agreement between the State of Idaho, ground water districts, and certain spring users.

4. Pursuant to this Commitment to Curtail Pumping, **the Irrigated Parcel will not be irrigated with ground water during the 2005 irrigation season.** If a crop can be produced on the Irrigated Parcel without the aid of irrigation, I reserve the right to cultivate and raise such a crop in 2005.

5. The Irrigated Parcel is more particularly described as follows:

Twp	Rgr	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres not irrigated with ground water in 2005 4.2

6. The ground water right(s) used to irrigate the Irrigated Parcel is/are as follows:

GREGORY HIRAI, HIRAI FARMS L.L.C.
Print name

Gregory Hirai
Signature

COMMITMENT TO CURTAIL PUMPING WATER DISTRICT 130

2005 Irrigation Season

1. Frank & L, hereby certify and attest as follows.

1. I am the owner (or authorized agent having control) of the ground water-irrigated land in Water District 130 described below (the "Irrigated Parcel").

2. In response to recent orders issued by the Director, Idaho Department of Water Resources ("Director"), and with the intent to participate in the [circle one] North Snake/Magic Valley Ground Water District's mitigation or water replacement plan, **I am voluntarily curtailing all ground water pumping to serve the Irrigated Parcel during the 2005 irrigation season.** I will cooperate with the watermaster for Water District 130 to provide any necessary assurance that the Irrigated Parcel will not be irrigated with ground water in 2005.

3. The Irrigated Parcel was irrigated in 2004, or was not irrigated in 2004 due to voluntary curtailment in conformance with the interim mitigation or water replacement arrangements embodied in the March 15, 2004 Interim Agreement between the State of Idaho, ground water districts, and certain spring users.

4. Pursuant to this Commitment to Curtail Pumping, **the Irrigated Parcel will not be irrigated with ground water during the 2005 irrigation season.** If a crop can be produced on the Irrigated Parcel without the aid of irrigation, I reserve the right to cultivate and raise such a crop in 2005.

5. The Irrigated Parcel is more particularly described as follows:

Twp	Rge	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres not irrigated with ground water in 2005 59.9

6. The ground water right(s) used to irrigate the Irrigated Parcel is/are as follows:

Mike Frank
Print name

[Signature]
Signature

COMMITMENT TO CURTAIL PUMPING WATER DISTRICT 130

2005 Irrigation Season

1. Big Sky Dairy, hereby certify and attest as follows:

1. I am the owner (or authorized agent having control) of the ground water-irrigated land in Water District 130 described below (the "Irrigated Parcel").

2. In response to recent orders issued by the Director, Idaho Department of Water Resources ("Director"), and with the intent to participate in the [circle one] North Snake/Magic Valley Ground Water District's mitigation or water replacement plan, **I am voluntarily curtailing all ground water pumping to serve the Irrigated Parcel during the 2005 irrigation season.** I will cooperate with the watermaster for Water District 130 to provide any necessary assurance that the Irrigated Parcel will not be irrigated with ground water in 2005.

3. The Irrigated Parcel was irrigated in 2004, or was not irrigated in 2004 due to voluntary curtailment in conformance with the interim mitigation or water replacement arrangements embodied in the March 15, 2004 Interim Agreement between the State of Idaho, ground water districts, and certain spring users.

4. Pursuant to this Commitment to Curtail Pumping, **the Irrigated Parcel will not be irrigated with ground water during the 2005 irrigation season.** If a crop can be produced on the Irrigated Parcel without the aid of irrigation, I reserve the right to cultivate and raise such a crop in 2005.

5. The Irrigated Parcel is more particularly described as follows:

Twp	Rge	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres not irrigated with ground water in 2005 158.6

6. The ground water right(s) used to irrigate the Irrigated Parcel is/are as follows:

Big Sky Dairy by

Mike Faulkner P.O.A.
Print name
Signature

COMMITMENT TO CURTAIL PUMPING WATER DISTRICT 130

2005 Irrigation Season

1. Southview Dring, hereby certify and attest as follows:

1. I am the owner (or authorized agent having control) of the ground water-irrigated land in Water District 130 described below (the "Irrigated Parcel").

2. In response to recent orders issued by the Director, Idaho Department of Water Resources ("Director"), and with the intent to participate in the [circle one] North Snake/Magic Valley Ground Water District's mitigation or water replacement plan, I am voluntarily curtailing all ground water pumping to serve the Irrigated Parcel during the 2005 irrigation season. I will cooperate with the watermaster for Water District 130 to provide any necessary assurance that the Irrigated Parcel will not be irrigated with ground water in 2005.

3. The Irrigated Parcel was irrigated in 2004, or was not irrigated in 2004 due to voluntary curtailment in conformance with the interim mitigation or water replacement arrangements embodied in the March 15, 2004 Interim Agreement between the State of Idaho, ground water districts, and certain spring users.

4. Pursuant to this Commitment to Curtail Pumping, the Irrigated Parcel will not be irrigated with ground water during the 2005 irrigation season. If a crop can be produced on the Irrigated Parcel without the aid of irrigation, I reserve the right to cultivate and raise such a crop in 2005.

5. The Irrigated Parcel is more particularly described as follows:

Twp	Rge	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
08S	15E	33												1	40	40	40	40	161
09S	15E	04					40	30		40									110
08S	15E	33				37													

Total acres not irrigated with ground water in 2005 28.7

6. The ground water right(s) used to irrigate the Irrigated Parcel is/are as follows:

Southview Dring by Mike R. Faulkner P.O.A.
Print name
Mike Faulkner
Signature

COMMITMENT TO CURTAIL PUMPING WATER DISTRICT 130

2005 Irrigation Season

I, Tim Person, hereby certify and attest as follows:

1. I am the owner (or authorized agent having control) of the ground water-irrigated land in Water District 130 described below (the "Irrigated Parcel").

2. In response to recent orders issued by the Director, Idaho Department of Water Resources ("Director"), and with the intent to participate in the [circle one] North Snake/Magic Valley Ground Water District's mitigation or water replacement plan, **I am voluntarily curtailing all ground water pumping to serve the Irrigated Parcel during the 2005 irrigation season.** I will cooperate with the watermaster for Water District 130 to provide any necessary assurance that the Irrigated Parcel will not be irrigated with ground water in 2005.

3. The Irrigated Parcel was irrigated in 2004, or was not irrigated in 2004 due to voluntary curtailment in conformance with the interim mitigation or water replacement arrangements embodied in the March 15, 2004 Interim Agreement between the State of Idaho, ground water districts, and certain spring users.

4. Pursuant to this Commitment to Curtail Pumping, **the Irrigated Parcel will not be irrigated with ground water during the 2005 irrigation season.** If a crop can be produced on the Irrigated Parcel without the aid of irrigation, I reserve the right to cultivate and raise such a crop in 2005.

5. The Irrigated Parcel is more particularly described as follows:

Twp	Rge	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres not irrigated with ground water in 2005 18

6. The ground water right(s) used to irrigate the Irrigated Parcel is/are as follows:

Tim Person
Print name

Tim Person
Signature

COMMITMENT TO CURTAIL PUMPING WATER DISTRICT 130

2005 Irrigation Season

I, Southfield, hereby certify and attest as follows:

1. I am the owner (or authorized agent having control) of the ground water-irrigated land in Water District 130 described below (the "Irrigated Parcel").

2. In response to recent orders issued by the Director, Idaho Department of Water Resources ("Director"), and with the intent to participate in the [circle one] North Snake/Magic Valley Ground Water District's mitigation or water replacement plan, I am voluntarily curtailing all ground water pumping to serve the Irrigated Parcel during the 2005 irrigation season. I will cooperate with the watermaster for Water District 130 to provide any necessary assurance that the Irrigated Parcel will not be irrigated with ground water in 2005.

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5. The Irrigated Parcel is more particularly described as follows:

Twp	Rge	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres not irrigated with ground water in 2005 381.5

6. The ground water right(s) used to irrigate the Irrigated Parcel is/are as follows:

GREGORY HIRSH FOR SOUTHFIELD DAIRY
Print name

GREGORY HIRSH FOR SOUTHFIELD DAIRY
Signature